

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

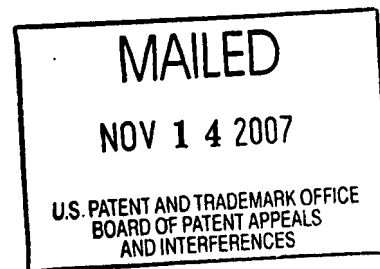
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Ex parte DENNIS A. KRAMER

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Application No. 10/715,051

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on October 24, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On October 9, 2006, appellant filed an Appeal Brief. On page 3, under the heading "Grounds of Rejection to be Reviewed on Appeal" the Appellant stated:

- A. The 35 U.S.C. §112, Second paragraph Rejection of Claim 21 is Appeal.
- B. The 35 U.S.C. §102 Rejection of Claims 1 and 21 over U.S. Patent 4,784,244 to Carre, et al. is Appeal.
- C. The 35 U.S.C. §103 Rejection of Claims 1-3 and 7-14 Over U.S. Patent 6,397,977 to Ward Taken with Carre, et al. is Also Appealed.

D. The B and C Rejections are also Further Combined with the U.S. patent 6,272,936 to Oreper, et al. These rejections are also appealed.

In response, an Examiner's Answer was mailed on January 18, 2007. While the Answer notes that "The appellant's statement of the grounds of rejection to be reviewed on appeal is correct." [page 3], the Examiner's Answer and the Final Rejection mailed November 22, 2005, the following § 103 rejections were made:

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing particularly . . . .

Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carre et al. in view of US Patent 6272936 to Oreper et al.

Claims 1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 4784244 to Carre et al.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6397977 to Ward in view of Carre et al.

Claims 10-14 are rejected under U.S.C. 103(a) as being unpatentable over US Patent 6397977 to Ward in view of Carre et al. and further in view of Oreper et al.

A clarification of the claims to be applied under the grounds of rejection is required.

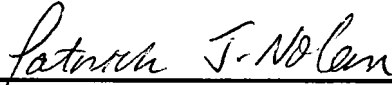
Application No. 10/715,051

Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

- 1) to give a proper explanation of the grounds of rejection; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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PJN/dal

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